



Sen. Dan Kotowski

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1 AMENDMENT TO SENATE BILL 53

2 AMENDMENT NO. _____. Amend Senate Bill 53 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Animal Welfare Act is amended by changing
5 Sections 2, 2.2, 3, 3.1, 5, 10, 18, and 20.5 and by adding
6 Sections 3.15, 10.5, 17, 18.01, 18.04, 18.05, 18.06, 18.5,
7 20.1, and 23 as follows:

8 (225 ILCS 605/2) (from Ch. 8, par. 302)

9 Sec. 2. Definitions. As used in this Act unless the context
10 otherwise requires:

11 "Department" means the Illinois Department of Agriculture.

12 "Director" means the Director of the Illinois Department of
13 Agriculture.

14 "Pet shop operator" means any person who sells, offers to
15 sell, exchange, or offers for adoption with or without charge
16 or donation dogs, cats, birds, fish, reptiles, or other animals

1 customarily obtained as pets in this State. However, a person
2 who sells only such animals that he has produced and raised
3 shall not be considered a pet shop operator under this Act, and
4 a veterinary hospital or clinic operated by a veterinarian or
5 veterinarians licensed under the Veterinary Medicine and
6 Surgery Practice Act of 2004 shall not be considered a pet shop
7 operator under this Act.

8 "Dog dealer" means any person who sells, offers to sell,
9 exchange, or offers for adoption with or without charge or
10 donation dogs in this State. However, a person who sells only
11 dogs that he has produced and raised shall not be considered a
12 dog dealer under this Act, and a veterinary hospital or clinic
13 operated by a veterinarian or veterinarians licensed under the
14 Veterinary Medicine and Surgery Practice Act of 2004 shall not
15 be considered a dog dealer under this Act.

16 "Secretary of Agriculture" or "Secretary" means the
17 Secretary of Agriculture of the United States Department of
18 Agriculture.

19 "Person" means any person, firm, corporation, partnership,
20 association or other legal entity, any public or private
21 institution, the State of Illinois, or any municipal
22 corporation or political subdivision of the State.

23 "Kennel operator" means any person who operates an
24 establishment, other than an animal control facility,
25 veterinary hospital, or animal shelter, where dogs or dogs and
26 cats are maintained for boarding, training or similar purposes

1 for a fee or compensation, ~~or who sells, offers to sell,~~
2 ~~exchange, or offers for adoption with or without charge dogs or~~
3 ~~dogs and cats which he has produced and raised. A person who~~
4 ~~owns, has possession of, or harbors 5 or less females capable~~
5 ~~of reproduction shall not be considered a kennel operator.~~

6 "Dog breeder" means any person who owns, has possession of,
7 or harbors 6 or more female dogs capable of reproduction for
8 the purpose of the sale of their offspring. A licensed animal
9 shelter or licensed animal control facility is not required to
10 be licensed as a dog breeder except as required by Section 3 of
11 this Act.

12 "Commercial dog breeder" means any person who owns, has
13 possession of, or harbors 6 or more female dogs capable of
14 reproduction and breeds or whelps dogs and:

15 (1) sells or transfers any dog to a wholesale dog
16 dealer or to a pet shop; or

17 (2) sells or transfers more than 30 dogs per calendar
18 year.

19 "Cattery operator" means any person who operates an
20 establishment, other than an animal control facility or animal
21 shelter, where cats are maintained for boarding, training or
22 similar purposes for a fee or compensation; or who sells,
23 offers to sell, exchange, or offers for adoption with or
24 without charges cats which he has produced and raised. A person
25 who owns, has possession of, or harbors 5 or less females
26 capable of reproduction shall not be considered a cattery

1 operator.

2 "Animal control facility" means any facility operated by or
3 under contract for the State, county, or any municipal
4 corporation or political subdivision of the State for the
5 purpose of impounding or harboring seized, stray, homeless,
6 abandoned or unwanted dogs, cats, and other animals. "Animal
7 control facility" also means any veterinary hospital or clinic
8 operated by a veterinarian or veterinarians licensed under the
9 Veterinary Medicine and Surgery Practice Act of 2004 which
10 operates for the above mentioned purpose in addition to its
11 customary purposes.

12 "Animal shelter" means a facility that is operated, owned,
13 or maintained by a duly incorporated humane society, animal
14 welfare society, or other non-profit organization for the
15 purpose of providing for and promoting the welfare, protection,
16 and humane treatment of animals, and that does not engage in
17 the intentional breeding of any animal. "Animal shelter" also
18 means any veterinary hospital or clinic operated by a
19 veterinarian or veterinarians licensed under the Veterinary
20 Medicine and Surgery Practice Act of 2004 which operates for
21 the above mentioned purpose in addition to its customary
22 purposes.

23 "Foster home" means an entity that accepts the
24 responsibility for stewardship of animals that are the
25 obligation of an animal shelter, not to exceed 4 animals at any
26 given time. Permits to operate as a "foster home" shall be

1 issued through the animal shelter.

2 "Guard dog service" means an entity that, for a fee,
3 furnishes or leases guard or sentry dogs for the protection of
4 life or property. A person is not a guard dog service solely
5 because he or she owns a dog and uses it to guard his or her
6 home, business, or farmland.

7 "Guard dog" means a type of dog used primarily for the
8 purpose of defending, patrolling, or protecting property or
9 life at a commercial establishment other than a farm. "Guard
10 dog" does not include stock dogs used primarily for handling
11 and controlling livestock or farm animals, nor does it include
12 personally owned pets that also provide security.

13 "Sentry dog" means a dog trained to work without
14 supervision in a fenced facility other than a farm, and to
15 deter or detain unauthorized persons found within the facility.

16 "Probationary status" means the 12-month period following
17 a series of violations of this Act during which any further
18 violation shall result in an automatic 12-month suspension of
19 licensure.

20 "Indoor housing facility" means any structure or building
21 that contains primary enclosures.

22 "Primary enclosure" means the primary structure that
23 restricts a dog's ability to move, which includes a kennel,
24 cage or run.

25 "Sale" means the transfer of a dog or cat to another person
26 in any of the following ways:

1 (1) Offering directly to a consumer for purchase.

2 (2) Offering at a retail pet shop for purchase.

3 (3) Offering a dog or cat on the internet for purchase.

4 (4) Offering a wholesale exchange.

5 (5) Offering a dog or cat up for adoption with any
6 charges or donation unless the offeror is licensed under
7 this Act as an animal shelter or animal control facility.

8 (6) Offering a dog or cat up for research purposes.

9 "Sanitized" means cleaning hard surfaces and food and water
10 receptacles using one of the following methods:

11 (1) Live steam under pressure.

12 (2) Washing with water with a temperature of at
13 least 180 degrees Fahrenheit and soap or detergent, as with
14 a mechanical cage washer.

15 (3) Washing all soiled surfaces with appropriate
16 detergent solutions or disinfectant products followed by a
17 clean water rinse that removes all organic material and
18 mineral build-up.

19 (Source: P.A. 95-550, eff. 6-1-08.)

20 (225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

21 Sec. 2.2. No dog dealer, dog breeder, commercial dog
22 breeder, kennel operator, or cattery operator shall separate a
23 puppy or kitten from its mother, for the purpose of sale, until
24 such puppy or kitten has attained the age of 8 weeks.

25 All licensees under this Act shall maintain records of the

1 origin and sale of all dogs, and such records shall be made
2 available for inspection by the Secretary or the Department
3 upon demand. Such records must contain proof in proper form of
4 purebreds and their pedigree, and evidence of such proof must
5 be provided to any person acquiring a dog from a licensee under
6 this Act. In addition, guard dog services shall be required to
7 maintain records of transfer of ownership, death, or
8 disappearance of a guard dog or sentry dog used by that guard
9 dog service.

10 (Source: P.A. 89-178, eff. 7-19-95.)

11 (225 ILCS 605/3) (from Ch. 8, par. 303)

12 Sec. 3. (a) Except as provided in subsection (b) of this
13 Section, no person shall engage in business as a pet shop
14 operator, dog dealer, dog breeder, commercial dog breeder,
15 kennel operator, cattery operator, or operate a guard dog
16 service, an animal control facility or animal shelter or any
17 combination thereof, in this State without a license therefor
18 issued by the Department. A separate license shall be required
19 to operate each of the following at one location: dog dealer,
20 commercial dog breeder, kennel operator, cattery operator, dog
21 breeder, pet shop operator, animal shelter, animal control
22 facility and guard dog service, except that a commercial dog
23 breeder does not need to be licensed as a dog breeder. Only one
24 license shall be required for any combination of businesses at
25 one location, except that a separate license shall be required

1 ~~to operate a guard dog service.~~ Guard dog services that are
2 located outside this State but provide services within this
3 State are required to obtain a license from the Department.
4 Out-of-state guard dog services are required to comply with the
5 requirements of this Act with regard to guard dogs and sentry
6 dogs transported to or used within this State.

7 (b) This Act does not apply to a private detective agency
8 or private security agency licensed under the Private
9 Detective, Private Alarm, Private Security, Fingerprint
10 Vendor, and Locksmith Act of 2004 that provides guard dog or
11 canine odor detection services and does not otherwise operate a
12 kennel for hire.

13 (Source: P.A. 95-613, eff. 9-11-07.)

14 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

15 Sec. 3.1. Information on ~~dogs and~~ cats for sale. Prior to
16 the time of sale, every pet shop operator and cattery operator
17 must provide to the consumer the following information on any
18 cat being offered for sale: Every pet shop operator, dog
19 dealer, and cattery operator shall provide the following
20 information for every dog or cat available for sale:

21 (a) The age, sex, and weight of the animal.

22 (b) The breed of the animal.

23 (c) A record of vaccinations and veterinary care and
24 treatment.

25 (d) A record of surgical sterilization or lack of surgical

1 sterilization.

2 (e) The name and address of the breeder of the animal.

3 (f) The name and address of any other person who owned or
4 harbored the animal between its birth and the point of sale.

5 (Source: P.A. 87-819.)

6 (225 ILCS 605/3.15 new)

7 Sec. 3.15. Information on dogs for sale.

8 (a) Prior to the time of sale, every pet shop operator, dog
9 breeder, and commercial dog breeder must, to the best of his or
10 her knowledge, provide to the consumer the following
11 information on any dog being offered for sale:

12 (1) The breed, age, date of birth, sex, and color of
13 the dog;

14 (2) The dates of any inoculations and medical
15 treatments administered to the dog at any time prior to the
16 sale, and:

17 (i) For veterinarians, the name and business
18 address of the individual who performed the
19 examination(s) and administered any treatments or
20 medications;

21 (ii) For pet stores, dog breeders, and dog dealers,
22 the name of the licensee or manager who authorized the
23 administration of any treatments or medications;

24 (3) The name and business address of both the breeder
25 and the facility where the dog was born. If the breeder is

1 located in the State, the breeder's license number must be
2 included. If the breeder holds a license issued by the
3 United States Department of Agriculture, the breeder's
4 federal identification number must be provided;

5 (4) The name and business address of any other person
6 who owned or harbored the dog between its birth and the
7 point of sale;

8 (5) The retail price of the dog, including any
9 additional fees or charges. If financing is being offered
10 for the purchase of the dog, then the following information
11 must be provided at the time of sale: the name of the
12 company financing the sale, the annual percentage rate, the
13 monthly payment amount, the term of the loan, the total
14 finance charge, and the total amount paid at the end of the
15 loan;

16 (6) Any known congenital or hereditary diseases of the
17 parents of the dog;

18 (7) If the dog is being sold as being capable of
19 registration with a pedigree registry organization, the
20 name and registration numbers of the mother and father, and
21 the name and address of the pedigree registry organization
22 where the mother and father are registered;

23 (8) If the dog was returned by a retail customer, the
24 date and reason for the return;

25 (9) Include the following statement and circle the
26 corresponding answer: "The facility in which the dog was

1 born has produced: (1) 1-2 litters in the past calendar
2 year, (2) 3-10 litters in the past calendar year, (3) 11-39
3 litters in the past calendar year, or (4) more than 40
4 litters in the past calendar year;"

5 (10) State the licensee's policy regarding any
6 guarantees, warranties, refunds and/or returns;

7 (11) The signature, printed name and date of the pet
8 shop operator, dog breeder, or commercial dog breeder
9 beneath the following statement: "I hereby attest that all
10 of the above information is true and correct to the best of
11 my knowledge, and I have made a diligent effort to obtain
12 this information.";

13 (12) Blank space for the customer to sign and print
14 their name and print the date beneath the following
15 statement: "I hereby attest that this disclosure was posted
16 with the dog for sale and that I have read all the
17 disclosures. I further understand that I am entitled to
18 keep a signed copy of this disclosure."

19 (b) Before the sale is completed, the pet shop operator,
20 dog breeder, or commercial dog breeder must have the consumer
21 sign and date the disclosure as described in subsection (a).

22 (c) Every pet shop operator, dog breeder, or commercial dog
23 breeder shall make copies and provide a copy of the "Buying a
24 New Dog" pamphlet to each purchaser. The purchaser must initial
25 that they have read the pamphlet prior to the completion of the
26 sale. A copy of the signed statement shall be maintained by the

1 pet shop operator and a copy of the pamphlet shall be given to
2 the consumer. The pamphlet will be created and shall be in such
3 format as decided by the Department. The information in the
4 pamphlet must include, but is not limited to, the following:

5 (i) The benefits of visiting a veterinarian shortly
6 after purchasing a dog;

7 (ii) The benefits of spaying or neutering a dog;

8 (iii) The following statement: "The cost of owning a
9 dog: Beyond the purchase price of a dog, there are annual
10 expenses to care for a dog including: routine veterinary
11 care, vaccinations and medications, food, grooming,
12 training, licensing, supplies and additional or emergency
13 medical care."; and

14 (iv) The following statement: "Consider when
15 purchasing a dog that with proper care a dog can live well
16 past 10 years."

17 (d) A pet shop operator, dog breeder, or commercial dog
18 breeder who makes false or misleading statements in connection
19 with the above disclosures has committed a violation of the
20 Consumer Fraud and Deceptive Business Practices Act.

21 (e) Every pet shop operator shall post in a conspicuous
22 place in writing on or near the cage of every dog available for
23 sale the information required by this Section.

24 (f) Every pet shop operator, dog dealer, or commercial dog
25 breeder making dogs available for sale over the internet must
26 post the disclosures required by this Section in conjunction

1 with the information about the individual dog for sale.
2 Disclosures shall be signed by both the pet shop operator, dog
3 dealer, or commercial dog breeder and the consumer and shall be
4 maintained by the licensee for a period of 2 years from the
5 date of sale.

6 (225 ILCS 605/5) (from Ch. 8, par. 305)

7 Sec. 5. Applications by individuals for original licenses
8 shall be made to the Department, shall be in writing on forms
9 prescribed by the Department and shall be accompanied by the
10 required fee, which shall not be returnable. Any such
11 application shall require such information as in the judgment
12 of the Department will enable the Department to pass on the
13 qualifications of the applicant for a license. It shall
14 include, but need not be limited to information concerning age,
15 citizenship, present residence, location of the business
16 licensed under this Act, including the location of all foster
17 homes, description of facilities to be used, present and
18 previous business connections and experience, bank and
19 professional references, whether any license of the applicant
20 under this Act or any federal, state, county or local law,
21 ordinance or regulation, relating to dealing in or handling
22 dogs or cats, ever was suspended or revoked and whether the
23 applicant ever has been convicted of a felony. Such felony
24 conviction may be taken into consideration by the Department in
25 determining qualifications for licensing but shall not operate

1 as a bar to licensing. The Department must conduct an
2 inspection to determine compliance with this Act prior to
3 issuing a license. If the applicant's facility is not in full
4 compliance with this Act, the license may not be issued until
5 the applicant is in full compliance.

6 (Source: P.A. 89-178, eff. 7-19-95.)

7 (225 ILCS 605/10) (from Ch. 8, par. 310)

8 Sec. 10. Grounds for discipline.

9 (a) The Department may refuse to issue or renew or may
10 suspend or revoke a license on any one or more of the following
11 grounds:

12 (1) ~~a.~~ Material misstatement in the application for
13 original license or in the application for any renewal
14 license under this Act;

15 (2) ~~b.~~ A violation of this Act or of any regulations or
16 rules issued pursuant thereto;

17 (3) ~~c.~~ Aiding or abetting another in the violation of
18 this Act or of any regulation or rule issued pursuant
19 thereto;

20 (4) ~~d.~~ Allowing one's license under this Act to be used
21 by an unlicensed person;

22 (5) ~~e.~~ Conviction of any crime an essential element of
23 which is misstatement, fraud or dishonesty or conviction of
24 any felony, if the Department determines, after
25 investigation, that such person has not been sufficiently

1 rehabilitated to warrant the public trust;

2 (6) ~~f.~~ Conviction of a violation of any law of Illinois
3 except minor violations such as traffic violations and
4 violations not related to the disposition of dogs, cats and
5 other animals or any rule or regulation of the Department
6 relating to dogs or cats and sale thereof;

7 (7) ~~g.~~ Making substantial misrepresentations or false
8 promises of a character likely to influence, persuade or
9 induce in connection with the business of a licensee under
10 this Act;

11 (8) ~~h.~~ Pursuing a continued course of
12 misrepresentation of or making false promises through
13 advertising, salesman, agents or otherwise in connection
14 with the business of a licensee under this Act; or

15 (9) ~~i.~~ Failure to possess the necessary qualifications
16 or to meet the requirements of the Act for the issuance or
17 holding a license. ~~+~~ ~~or~~

18 ~~j. Proof that the licensee is guilty of gross negligence,~~
19 ~~incompetency, or cruelty with regard to animals.~~

20 (b) The Department may refuse to issue or may suspend the
21 license of any person who fails to file a return, or to pay the
22 tax, penalty or interest shown in a filed return, or to pay any
23 final assessment of tax, penalty or interest, as required by
24 any tax Act administered by the Illinois Department of Revenue,
25 until such time as the requirements of any such tax Act are
26 satisfied.

1 (c) The Department shall refuse to issue or renew or shall
2 suspend or revoke a license if an applicant or licensee has
3 been convicted of any one or more of the following:

4 (1) A misdemeanor or felony under any Section of the
5 Humane Care for Animals Act.

6 (2) Any violation of Section 12-35 or 26-5 of the
7 Criminal Code of 1961.

8 (3) A criminal offense of which the Department has
9 knowledge that took place in another jurisdiction of the
10 United States that is substantially similar to any of the
11 offenses listed in paragraphs (1) or (2).

12 The Department shall consider if the applicant has been
13 convicted within the last 10 years in any state of dog
14 fighting, animal abuse, or any other animal-related offense.

15 ~~The Department may order any licensee to cease operation~~
16 ~~for a period not to exceed 72 hours to correct deficiencies in~~
17 ~~order to meet licensing requirements.~~

18 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;
19 90-403, eff. 8-15-97.)

20 (225 ILCS 605/10.5 new)

21 Sec. 10.5. Violations; injunction; cease and desist order.

22 (a) If any person violates a provision of this Act, the
23 Director may, in the name of the People of the State of
24 Illinois, through the Attorney General of the State of Illinois
25 or the State's Attorney in the county in which the offense

1 occurs, petition for an order enjoining the violation or for an
2 order enforcing compliance with this Act. Upon the filing of a
3 verified petition in court, the court may issue a temporary
4 restraining order, without notice or bond, and may
5 preliminarily and permanently enjoin the violation. If it is
6 established that the person has violated or is violating the
7 injunction, the court may punish the offender for contempt of
8 court. Proceedings under this Section shall be in addition to,
9 and not in lieu of, all other remedies and penalties provided
10 by this Act.

11 (b) The Department may issue an order to cease and desist
12 against any person who is in violation of this Act as
13 warranted. The order shall clearly set forth the general
14 factual and legal basis for the order and state that within
15 seven days of receipt of the order, the recipient may file a
16 written request for an administrative hearing with the
17 Department. The order to cease and desist shall become a final
18 order of the Department upon expiration of the 7-day period for
19 requesting an administrative hearing, unless a timely request
20 has been filed with the Department. A pet store operator, dog
21 breeder, or commercial dog breeder who receives a cease and
22 desist order shall dispose of all affected dogs within 10
23 calendar days of receiving the order. The pet shop operator,
24 dog dealer, or commercial dog breeder may only dispose of the
25 dogs to an animal control facility or animal shelter that is
26 licensed in the State, or by having a dog humanely euthanized

1 by a licensed veterinarian, unless otherwise authorized in
2 writing by the Department, which may include transfer to a
3 licensed dog breeder or licensed commercial dog breeder.
4 Failure to comply will result in forfeiture of the dogs in a
5 manner approved by the Department and the imposition of a civil
6 penalty by the Department in an amount not to exceed \$5,000 for
7 each offense.

8 (225 ILCS 605/17 new)

9 Sec. 17. Order of revocation; compliance.

10 (a) When the Department issues an order revoking a pet shop
11 operator, dog breeder, or commercial dog breeder license, the
12 order shall set forth the general factual and legal basis for
13 the action and shall advise the affected person that within 10
14 days of receipt of the order, the pet shop operator, dog
15 breeder, or commercial dog breeder may file with the Secretary
16 a written request for an administrative hearing. The order of
17 revocation shall become a final order of the Department upon
18 expiration of the 7-day period for requesting an administrative
19 hearing, unless a timely request has been filed with the
20 Department.

21 (b) The pet shop operator, dog breeder, or commercial dog
22 breeder shall dispose of all unaltered dogs within 10 calendar
23 days after receiving an order of revocation. The licensee may
24 only dispose of the dogs to an animal control facility or
25 animal shelter licensed in the State, or by having a dog

1 humanely euthanized by a licensed veterinarian, unless
2 otherwise authorized in writing by the Department, which may
3 include transfer to a licensed dog breeder or licensed
4 commercial dog breeder. Failure to comply will result in
5 forfeiture of unaltered dogs to an animal control facility or
6 animal shelter licensed in the State, or by having a dog
7 humanely euthanized by a licensed veterinarian, unless
8 otherwise authorized in writing by the Department.

9 (c) A pet shop operator, dog dealer, or commercial dog
10 breeder that requests a hearing under this Act within 10
11 calendar days of receiving an order of revocation does not have
12 to comply with subsection (b) until the hearing on the order of
13 revocation has concluded. However, until a final order on the
14 hearing has been issued, the pet shop operator, dog dealer, or
15 commercial dog breeder shall not sell or transfer any dog by
16 any means without prior written authorization from the
17 Department.

18 (225 ILCS 605/18) (from Ch. 8, par. 318)

19 Sec. 18. Requirements for licensees. A licensee under this
20 Act ~~The licensee~~ shall:

21 (1) a. Maintain sanitary conditions.

22 (2) b. Insure proper ventilation.

23 (3) c. Provide adequate nutrition.

24 (4) d. Provide humane care and treatment of all animals

25 under his or her jurisdiction.

1 (5) ~~e.~~ Take reasonable care to release for sale, trade,
2 or adoption only those animals which are free of disease,
3 injuries or abnormalities. A health certificate, meeting
4 the requirements of the Department and issued by a licensed
5 veterinarian for any such animal within 5 days before such
6 sale, trade or adoption is prima facie evidence that the
7 licensee has taken reasonable care, as required by this
8 paragraph.

9 ~~f. Inspection of the premises of a licensee to determine~~
10 ~~compliance with this Act may be made only by the Department.~~

11 (Source: P.A. 78-900.)

12 (225 ILCS 605/18.01 new)

13 Sec. 18.01. Inspection.

14 (a) Inspection of the premises of a licensee to determine
15 compliance with this Act may be made only by the Department.
16 The Department must conduct at least one unannounced inspection
17 of each licensee within a 2-year period.

18 (b) The Department may, for the purpose of inspection,
19 enter during normal business hours upon any licensed premises
20 or unlicensed premises where activities consistent with that of
21 a dog breeder or commercial dog breeder are occurring.
22 Inspection shall not occur unless an adult who is 18 years or
23 older is present. Entry shall not be made into any building
24 which is a person's residence, except by search warrant, court
25 order or consent.

1 (c) Institutions operating under a federal license to
2 conduct laboratory experimentation utilizing animals for
3 research or medical purpose are, however, exempt from the
4 provisions of this Section.

5 (d) State's Attorney's and law enforcement officials shall
6 provide such assistance as may be required in the conduct of
7 such investigations.

8 (e) The Department shall be given access to all records and
9 files related to dog breeding activities. If the licensee
10 refuses to provide access to any animal, record, or file, the
11 Department may issue a cease and desist order or revoke their
12 license.

13 (f) Nothing in this Act shall limit the ability of a
14 Department of Agriculture investigator, an animal control
15 administrator, or a law enforcement official from inspecting
16 the premises for the purpose of enforcing the Humane Care for
17 Animals Act (510 ILCS 70).

18 (225 ILCS 605/18.04 new)

19 Sec. 18.04. Additional requirements for dog breeders and
20 commercial dog breeders. In addition to the requirements of
21 Section 18, dog breeders and commercial dog breeders must also
22 comply with the requirements of this Section.

23 (a) All unaltered dogs must meet the following criteria
24 before being bred:

25 (1) A female shall be examined by a veterinarian at

1 least once a year or prior to each attempt at breeding,
2 whichever occurs more frequently. A dog shall not be bred
3 unless a veterinarian has determined that the dog is in
4 good physical condition.

5 (2) A male shall be examined by a veterinarian at least
6 once a year. A dog shall not be bred unless a veterinarian
7 has determined that the dog is in good physical condition.

8 (3) A female dog must be between the ages of 18 months
9 and 8 years of age.

10 (b) All dogs euthanized must be humanely euthanized by a
11 licensed veterinarian. This Section shall not be construed in a
12 manner that is inconsistent with the provisions of the Humane
13 Care for Animals Act regarding exigent circumstances.

14 (c) Any dog breeder or commercial dog breeder shall provide
15 an area separate from other dogs for the isolation of any dog
16 that appears to be affected with any infectious or contagious
17 disease, parasitism, or physical injuries. The isolation area
18 must be physically separate from the area of the general
19 population so that there can be no contact between the isolated
20 animal and animals in the general population. Dogs may be
21 returned to the general kennel population after an examination,
22 treatment, if required, and written release from a licensed
23 veterinarian. Nothing in this subsection shall require nursing
24 mothers to be separated from their litters.

25 (d) Any dog breeder or commercial dog breeder who
26 advertises the availability of any dog for sale, adoption, or

1 transfer, whether for compensation or otherwise must
2 prominently display their license number in any such
3 advertisement. Further, the dog breeder or commercial dog
4 breeder must provide his or her license number to any person
5 who purchases, adopts, or receives any dog from him or her and
6 include the license number on any receipt of sale.

7 (e) Two or more dog breeding physical facilities under
8 common ownership that are separated by a distance of an
9 one-quarter mile or more must be licensed individually as a dog
10 breeder.

11 (f) All dog breeders and commercial dog breeders under this
12 Act must maintain records of the origin and sale of all dogs,
13 and such records must be made available for inspection upon
14 demand by the Division, the Illinois Department of Agriculture,
15 the appropriate county animal control agency, or the
16 appropriate local law enforcement. Records must be maintained
17 for at least 5 years and must include the following:

18 (1) The date on which a dog enters the operation.

19 (2) The person from whom the dog was purchased or
20 obtained, including the address and phone number of that
21 person.

22 (3) A description of the dog, color, breed, sex, and
23 approximate age and weight upon arrival.

24 (4) Any tattoo, microchip number, or other
25 identification number carried by or appearing on the dog.

26 (5) Each date that puppies were born to that dog and

1 the number of puppies.

2 (6) All medical care and vaccinations provided to the
3 dog.

4 (7) The disposition of each dog and the date.

5 (8) Records that show compliance with Sections
6 18.05(1) of this Act.

7 (9) Copies of disclosures required under Section 3.15
8 of this Act.

9 (g) Every calendar year the following information must be
10 reported to the Department by the dog breeder or commercial dog
11 breeder:

12 (1) Number of unaltered females over one year.

13 (2) Number of unaltered males over one year.

14 (3) Number of puppies born.

15 (4) Number of puppies sold whether sold directly to a
16 consumer, to a retail pet shop, via the internet, through
17 wholesale exchange, or offering them for adoption with a
18 charge or donation.

19 (5) Number of dogs that were found dead in their
20 enclosure.

21 (6) Number of dogs that were euthanized.

22 (225 ILCS 605/18.05 new)

23 Sec. 18.05. Primary enclosure; indoor housing facility;
24 commercial dog breeder.

25 (a) If a commercial dog breeder keeps dogs in primary

1 enclosures, which includes cages, kennels, and runs, the
2 commercial dog breeder must:

3 (1) Ensure that the primary enclosure contains potable
4 water that is not frozen, that is free from debris, and is
5 readily accessible to all dogs at all times.

6 (2) Store all food in a manner that prevents spoilage,
7 vermin infestation, and contamination.

8 (3) Provide all dogs at least daily with adequate food.

9 (4) Clean and sanitize the food and water receptacles
10 on a weekly basis so as to comply with subparagraphs (1)
11 and (2).

12 (5) Remove feces, urine, hair, dirt, debris, and food
13 waste from the primary enclosures and sanitize them at
14 least daily, or more often if necessary, to prevent an
15 accumulation and to reduce disease hazards, insects,
16 pests, and odors.

17 (6) Remove all dogs from the primary enclosures when
18 sanitization or cleaning with pressurized water or
19 chemicals occurs.

20 (7) Ensure that all primary enclosures are impervious
21 to moisture and able to be sanitized.

22 (8) Ensure that the flooring of primary enclosures
23 shall:

24 (A) Be strong enough so that the floor does not sag
25 or bend between structural supports. Floors that are
26 warped or sagging shall be replaced.

1 (B) Not be able to be destroyed through digging or
2 chewing by the dogs housed in the primary enclosure.

3 (C) Not permit the feet of any dog housed in the
4 primary enclosure to pass through openings in the
5 floor.

6 (D) Not be metal strand or wire, whether or not it
7 is coated, and shall not be sloped more than 0.25
8 inches per foot.

9 (E) Shall have floors and cages without any sharp
10 points or edges that could injure the dogs.

11 (F) If constructed with slats, meet all of the
12 following conditions:

13 (i) Slats shall be flat.

14 (ii) Slats shall have spaces in between that
15 are no more than 0.5 inches in width.

16 (iii) Slats shall have spaces between them
17 that run the length or the width of the floor, but
18 not both.

19 (iv) Slats shall be no less than 3.5 inches in
20 width.

21 (v) Slats shall be level with the slat next to
22 it within a single primary enclosure.

23 (vi) Slats shall be constructed of a material
24 that is impervious to moisture, able to be cleaned
25 and sanitized, and that is not treated with any
26 substance that would be toxic to dogs that are

1 exposed to it or ingest it.

2 (9) Ensure that all cages include a solid surface,
3 which may be removable for cleaning. The solid surface must
4 be large enough for all the dogs in the enclosure to lie
5 down in a full lateral recumbent position.

6 (10) Ensure that the primary enclosures provide enough
7 space to allow each dog to turn about freely, to stand,
8 sit, and lie in a comfortable and normal position. The dog
9 must be able to lie down while fully extended without the
10 dog's head, tail, legs, face, or feet touching any side of
11 the enclosure and without touching any other dog in the
12 cage. Commercial dog breeders shall also comply with
13 federal law requiring a specified amount of space as found
14 in 9 C.F.R. 3.6(c)(1) and multiply the calculated
15 dimensions by 2. For the second dog placed in the primary
16 enclosure the minimum floor space shall be doubled. The
17 floor space shall be calculated using the longest dog. For
18 each dog above 2, the minimum floor space shall by
19 multiplied by 1.5 per additional dog.

20 (11) Ensure that each breeding female with nursing
21 puppies is provided with an additional amount of floor
22 space based on her breed and behavioral characteristics and
23 in accordance with generally accepted husbandry practices.

24 (12) Ensure that all dogs housed in the same primary
25 enclosure must be compatible, as determined by
26 observation.

1 (A) Dogs with an aggressive disposition must be
2 housed individually.

3 (B) Breeding females in heat may not be housed in
4 the same primary enclosure with sexually mature males,
5 except for breeding.

6 (C) Breeding females with litters may not be housed
7 in the same primary enclosure with other adult dogs,
8 and puppies under 12 weeks of age may not be housed in
9 the same primary enclosure with adult dogs, other than
10 the dam or foster dam.

11 (13) Ensure that primary enclosures are placed no
12 higher than 30 inches above the floor of the housing
13 facility and may not be placed over or stacked on top of
14 another cage or primary enclosure.

15 (14) Ensure that each primary enclosure has an entry
16 way that allows each dog unfettered clearance to an outdoor
17 run that is not accessible to other primary enclosures.
18 Each entry way from a primary enclosure to an outdoor run
19 area must be equipped with a wind or rain break which
20 protects the dogs from rain, snow, sun, and wind while in
21 their primary enclosures. The commercial dog breeder must
22 ensure that each run:

23 (A) Be at least 2 times the size of the primary
24 enclosure as required under Section 18.05 (2) (D).

25 (B) Has adequate means to prevent the dogs from
26 escaping or allowing predators to enter the run.

1 (C) Be kept in good repair and free of rust, jagged
2 edges, or other defects that could cause injury to the
3 dogs.

4 (D) Be sanitized at least daily, or more often if
5 necessary, to prevent accumulation of debris and waste
6 and reduce disease hazards, insects, pests, and odors.

7 (E) Be surfaced with concrete or other impervious
8 material, but designed to permit the surface to be
9 cleaned and kept free from excessive accumulation of
10 animal waste.

11 (F) Be on ground level.

12 (G) Allows for adequate drainage, including
13 gutters and discharge of any fluid or content into a
14 sewer, septic tank, or filter field, and complies with
15 any local zoning.

16 This paragraph (14) shall not apply to indoor housing
17 facilities which, on or before the date of enactment of
18 this Section, were located below ground level and are
19 constructed in a manner that prohibits the commercial dog
20 breeder from providing dogs with access to an outdoor run
21 or whose indoor housing facility is located in a home. For
22 such indoor housing facilities, all primary enclosures
23 shall open into and be adjacent to an indoor run area. Each
24 indoor run shall only be accessible from one primary
25 enclosure. Dogs shall not be able to access runs that are
26 accessible from other primary enclosures. Dogs must have

1 unfettered clearance from their primary enclosures to the
2 indoor run area. The provisions of subparagraphs (A)
3 through (E) of this paragraph (14) shall apply to any
4 indoor runs required under this subsection.

5 (b) If the commercial dog breeder keeps a dog in an indoor
6 housing facility, the indoor housing facility must:

7 (1) Be sufficiently heated and cooled to protect the
8 dogs from temperature or humidity extremes and to provide
9 for their health and well-being. The ambient temperature in
10 the facility must not fall below 50 degrees Fahrenheit. The
11 ambient temperature must not rise above 85 degrees
12 Fahrenheit. The temperature requirement may be waived if a
13 veterinarian specifies in writing that in the case of an
14 individual breeder, the breeding facility and the breed of
15 the dog housed therein is able to withstand temperatures
16 lower than 50 degrees without discomfort or the potential
17 for harm to the dog(s) as a result of the temperature.

18 (2) Be sufficiently ventilated at all times to minimize
19 odors, drafts, ammonia levels and to prevent moisture
20 condensation.

21 (3) Be equipped with a working smoke alarm and shall
22 have a means of fire suppression, such as a functioning
23 fire extinguishers or a functioning sprinkler system on the
24 premises.

25 (4) Be an enclosure created by the continuous
26 connection of a roof, floor, and walls; and

1 (5) Have at least one door for entry and exit that can
2 be opened and closed (any windows or openings which provide
3 natural light must be covered with a transparent material
4 such as glass or hard plastic) or in the case of an outdoor
5 run a wind or rain break shall be provided;

6 (6) Have sufficient lighting to allow for observation
7 of the dogs;

8 (7) The area surrounding the indoor housing facility
9 must be kept clean and in good repair to protect the dogs
10 from injury, to facilitate the husbandry practices
11 required in this act and to reduce or eliminate breeding
12 and living areas for rodents and other pests and vermin.
13 Premises must be kept free of accumulations of trash, junk,
14 waste products, and discarded matter. Weeds, grasses and
15 bushes must be controlled so as to facilitate cleaning of
16 the premises and pest control and to protect the health and
17 well-being of the dogs.

18 (c) This Section applies beginning one year after the
19 effective date of this amendatory Act of the 96th General
20 Assembly.

21 (225 ILCS 605/18.06 new)

22 Sec. 18.06. Additional requirements for pet shop
23 operators.

24 (a) Pet shop operators shall only acquire dogs from
25 breeders that are duly licensed under this Act if required to

1 be so licensed, and licensed as a breeder by the United States
2 Department of Agriculture as defined by 7 U.S.C. §2131 at the
3 time the dog is bred and at the time of sale if required to be
4 so licensed.

5 (b) If a pet shop operator keeps dogs in primary
6 enclosures, which includes cages, kennels, and runs, he or she
7 must:

8 (1) Ensure that the primary enclosure contains potable
9 water that is not frozen, that is free from debris, and is
10 readily accessible to all dogs at all times.

11 (2) Store all food in a manner that prevents spoilage,
12 vermin infestation, and contamination.

13 (3) Provide all dogs at least daily with adequate food.

14 (4) Clean and sanitize the food and water receptacles
15 on a weekly basis so as to comply with subparagraphs (1)
16 and (2).

17 (5) Remove feces, urine, hair, dirt, debris, and food
18 waste from the primary enclosures and sanitize them at
19 least daily, or more often if necessary, to prevent an
20 accumulation and to reduce disease hazards, insects,
21 pests, and odors.

22 (6) Ensure that the dogs are removed from the primary
23 enclosure when cleaning occurs.

24 (7) Ensure that all floors are constructed in a manner
25 that protects the dogs' feet and legs from injury and that:

26 (A) all cages include a solid surface, which may be

1 removable for cleaning, the solid surface must be large
2 enough for all the dogs in the enclosure to lie down in
3 a full lateral recumbent position simultaneously;

4 (B) all floors that are warped or sagging are
5 replaced; and

6 (C) all floors and cages have no sharp points or
7 edges that could injure the dogs.

8 (8) Provide space to allow each dog to turn about
9 freely, to stand, sit, and lie in a comfortable and normal
10 position. The dog must be able to lie down while fully
11 extended without the dog's head, tail, legs, face or feet
12 touching any side of the enclosure and without touching any
13 other dog in the cage. Pet Shop Operators shall also comply
14 with federal law requiring a specified amount of space as
15 found in 9 C.F.R. § 3.6(c)(1). For the second dog placed in
16 the primary enclosure the minimum floor space shall be
17 doubled. The floor space shall be calculated using the
18 longest dog. For each dog above two, the minimum floor
19 space shall be multiplied by 1.5 per additional dog. This
20 paragraph (8) applies beginning one year after the
21 effective date of this amendatory Act of the 96th General
22 Assembly.

23 (9) Ensure that all dogs housed in the same primary
24 enclosure must be compatible, as determined by
25 observation.

26 (A) Not more than 3 dogs that are 5 months or older

1 may be housed in the cage, kennel or run.

2 (B) Dogs with a vicious or aggressive disposition
3 must be housed individually.

4 (10) Ensure that all structures or dwellings where dogs
5 are kept are sufficiently heated and cooled to protect the
6 dogs from temperature or humidity extremes and to provide
7 for their health and well-being. The ambient temperature in
8 the facility must not fall below 50 degrees F. The ambient
9 temperature must not rise above 85 degrees F.

10 (11) Ensure that all structures or dwellings where dogs
11 are kept are sufficiently ventilated at all times to
12 minimize odors, drafts, ammonia levels and to prevent
13 moisture condensation

14 (12) Ensure that all structures or dwellings where dogs
15 are kept are equipped with a working smoke alarm and shall
16 have a means of fire suppression, such as a functioning
17 fire extinguishers or a functioning sprinkler system on the
18 premises.

19 (13) Ensure that, if the primary enclosures are
20 stacked, a tray or other department-approved device is
21 utilized which will prevent urine, feces, and other debris
22 from passing onto or being discharged onto the underlying
23 primary enclosure and that:

24 (A) The tray or approved device must be impermeable to
25 water and capable of being easily sanitized; and

26 (B) The tray or approved device must be cleaned and be

1 sanitized of all feces, urine, hair, dirt, and debris and
2 food waste must be removed from primary enclosure at least
3 daily or more often if necessary to prevent an accumulation
4 and to reduce disease hazards, insects, pests and odors.

5 (14) A pet shop operator shall provide an area separate
6 from other dogs for the isolation of any dog that appears
7 to be affected with any infectious or contagious disease,
8 parasitism, or physical injuries. The isolation area must
9 be physically separate from the area of the general
10 population so that there can be no contact between the
11 isolated animal and animals in the general population. Dogs
12 may be returned to the general kennel population after an
13 examination, treatment, if required, and written release
14 from a licensed veterinarian. Nothing in this subsection
15 shall require nursing mothers to be separated from their
16 litters.

17 (225 ILCS 605/18.5 new)

18 Sec. 18.5. Animal welfare issues. The Department must refer
19 any possible violation of Sections 3.01, 3.02, 3.03, and 4.01
20 of the Humane Care for Animals Act or Section 26-5 of the
21 Criminal Code of 1961 within 24 hours of the Department
22 becoming knowledgeable about the possible violation to the
23 appropriate local county animal control, law enforcement, or
24 the county States Attorney. Nothing in this Act prevent the
25 Department from further investigation and prosecution under

1 the Humane Care for Animals Act or the Animal Welfare Act.

2 (225 ILCS 605/20.1 new)

3 Sec. 20.1. Unlicensed practice as a dog breeder or
4 commercial dog breeder; violation; civil penalty.

5 (a) Any person operating as a dog breeder or a commercial
6 dog breeder without a license under this act must in addition
7 to any other penalty provided by law, pay a civil penalty to
8 the Department in an amount not to exceed \$5,000 for each
9 offense as determined by the Department. The civil penalty
10 shall be assessed by the Department after a hearing is held in
11 accordance with the provisions set forth in this Act regarding
12 the provision of a hearing for the discipline of a licensee.

13 (b) The Department has the authority and power to
14 investigate any unlicensed activity.

15 (c) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty. The
17 order shall constitute a judgment and may be filed and
18 execution had thereon in the same manner as any judgment from
19 any court of record.

20 (d) The Department may also issue a cease and desist order
21 to any person doing business without the required license. The
22 order shall set forth the general factual and legal basis for
23 the action and shall advise the affected person that within
24 seven days of receipt of the order, he may file with the
25 secretary a written request for an administrative hearing. The

1 order to cease and desist shall become a final order of the
2 department upon expiration of the seven-day period for
3 requesting an administrative hearing, unless a timely request
4 has been filed with the department. An unlicensed dog breeder
5 or commercial dog breeder who receives a cease and desist order
6 shall dispose of all dogs within 10 calendar days of receiving
7 the order. The unlicensed dog breeder or commercial dog breeder
8 may only dispose of the dogs to an animal control facility or
9 Illinois licensed shelter or by having a dog humanely
10 euthanized by a licensed veterinarian unless otherwise
11 authorizes in writing by the Department of Agriculture, which
12 may include to a licensed dog breeder or licensed commercial
13 dog breeder. Failure to comply will result in forfeiture of the
14 dogs in a manner approved by the Department and the imposition
15 of a civil penalty by the Department in an amount not to exceed
16 \$5,000 for each offense.

17 (e) An unlicensed dog breeder or commercial dog breeder
18 that requests a hearing and applies for a license under this
19 act within 10 calendar days of receiving the cease and desist
20 order does not have to comply with subsection (b). However,
21 until a license is granted, the unlicensed dog breeder or
22 commercial dog breeder shall not breed or sell any dog without
23 prior written authorization by the Department of Agriculture.

24 (225 ILCS 605/20.5)

25 Sec. 20.5. Administrative fines. The following

1 administrative fines shall be imposed by the Department upon
2 any person or entity who violates any provision of this Act or
3 any rule adopted by the Department under this Act, except as
4 specified in Sections 10.5 and 20.1 of this Act:

5 (1) For the first violation, a fine of \$200.

6 (2) For a second violation that occurs within 3 years
7 after the first violation, a fine of \$500.

8 (3) For a third violation that occurs within 3 years
9 after the first violation, mandatory 12 month suspension
10 ~~probationary status~~ and a fine of \$1,000.

11 (4) For a fourth violation occurring within 4 years of
12 the first violation, mandatory revocation for a period of
13 at least 5 years and a fine of \$5,000.

14 (Source: P.A. 95-550, eff. 6-1-08.)

15 (225 ILCS 605/23 new)

16 Sec. 23. Severability. If any provision of this Act or the
17 application of any provision of this Act to any person or
18 circumstance is held invalid, the invalidity does not affect
19 other provisions or applications of this Act that can be given
20 effect without the invalid provision or application, and for
21 this purpose the provisions of this Act are severable.

22 Section 99. Effective date. This Act takes effect on
23 January 1, 2010."